REMARKS

Claims 2, 5-9, 11, 13-16, 18-19, 21, 24-28, 30, 32-34, 37-43, 45-47, 49-50, and 52-60 are pending in the application.

Claims 2, 5-9, 11, 13-16, 18-19, 21, 24-28, 30, 32-34, 37-43, 45-47, 49-50, and 52-60 have been rejected. Applicants here note that although the Office Action mentions rejection of claims 2, 5-21, 24-34, and 37-60, such rejection is inaccurate in view of earlier cancellations of claims 1, 3-4, 10, 12, 17, 20, 22-23, 29, 31, 35-36, 44, 48, and 51. Therefore, in the present response, Applicants assume that the Examiner must have intended to reject only the *pending* claims, and not any *cancelled* claims. In the discussion below, Applicants have discussed patentability of only the above-mentioned *pending* claims.

Independent Claims 2, 15, 21, 34, and 49 have been amended. Applicants assert that no new subject matter is added to the specification through the present claim amendments. Applicants further submit that, unless discussed below, these amendments are not intended to narrow the scope of the claims. By these amendments, Applicants do not concede that the cited art is prior to any invention now or previously claimed. Applicants further reserve the right to pursue the original versions of the claims in the future, for example, in a continuing application.

Objection to the Specification

The Abstract has been objected to because of undue length. The Abstract has been amended herewith to fully comply with the length requirement under 37 C.F.R. §1.72(b) and MPEP §608.01(b). Applicants assert that no new matter has been added to the specification through the present amendment to the Abstract. Applicants respectfully request the Examiner to approve the amended Abstract and withdraw the objection to the specification.

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Rejection of Claims Under 35 U.S.C. §102/103

Claims 2, 5-9, 11, 13-16, 18-19, 21, 24-28, 30, 32-34, 37-43, 45-47, 49-50, and 52-60 stand rejected under 35 U.S.C. §102(e) as purportedly being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over, U.S. Patent No. 6,704,409 issued to Dilip et al. ("Dilip"). Applicants respectfully traverse these rejections in view of following remarks and present claim amendments. The present claim amendments should not be construed as indicating Applicants' acceptance of Examiner's reasons for rejection of various claims in the Office Action.

As an initial matter, Applicants hereby incorporate all discussions related to the inapplicability of Dilip to the claims of the present application or failure of Dilip to anticipate pending claims in the present application as presented in responses to some of the previous Office Actions, to the extent that those arguments are relevant to the currently amended claims. Because Applicants' responses to previous Office Actions provided detailed discussions of teachings in Dilip, such earlier discussions are not repeated herein for the sake of brevity.

In order for a claim to be rendered invalid under 35 U.S.C. §103, the subject matter of the claim as a whole would have to be obvious to a person of ordinary skill in the art at the time the invention was made. *See* 35 U.S.C. §103(a). Thus, when making a determination of obviousness, the focus should be on what a person of ordinary skill in the pertinent art would have known at the time of the invention, and on what such a person would have reasonably expected to have been able to do in view of that knowledge. This is so regardless of whether the source of that knowledge and ability was documentary prior art, general knowledge in the art, or common sense. MPEP § 2141 (2007).

The independent claim 2, as amended, recites an apparatus for communicating using a communication channel. In contrast with teachings in Dilip, the apparatus recited in the amended independent claim 2 provides the following limitations:

> a configurable communication server configured to communicate, in a media-independent manner, via one or more <u>media-specific communication channels of one or more vendors</u> using a corresponding channel driver associated with each communication channel, <u>wherein each vendor of a communication channel provides a channel driver implementation for a corresponding channel driver associated with said communication channel,</u> and wherein each said channel driver implementation is configured according to <u>a common communication application program interface to allow the communication server to communicate via a corresponding media-specific communication channel independently of a media type of and vendor-dependent communication protocols</u> for said corresponding communication channel...;and
>
> a web browser-based media-independent user interface...wherein <u>said user interface displays a single, web browser-based toolbar providing a visual depiction of all options available to a user to participate in said outgoing or incoming communications</u>." (Emphases added.)

The present amendments to claim 2 find support, either expressly or inherently, throughout the specification of the instant application including, for example, the discussion on pages 8-10, 16, 29, and 39 in the specification. Figure 6 of the Application illustrates an exemplary media-independent implementation (e.g., the media indicator icon 602) of the toolbar 105 in Figure 1A. The toolbar 105 shown in Fig. 6 is a single, web browser-based toolbar 105 that provides a visual depiction of all options available to an agent to participate in customer support-related outgoing and incoming communications in the client/server system 100 of Fig. 1A. Additional discussion of interactions and operations of various system elements including, for example, the communication server 109, various communication channels 130, channel drivers 120, communication API (application program interface) 125, and the like, is provided throughout the specification of the instant application.

Based on the foregoing, Applicants assert that Dilip fails to teach or suggest an apparatus as recited in the amended independent claim 2. Applicants fail to find in Dilip any discussion, suggestion, or hint of using <u>media-specific communication channels of one or more vendors</u> to carry out communication in a media-independent manner using <u>a channel driver implementation provided by each vendor</u> for a corresponding channel driver associated with the vendor's communication channel. Dilip also fails to teach or suggest <u>a vendor-supplied channel driver implementation</u> that is configured according to <u>a common communication API</u> to allow a communication server to communicate via a corresponding media-specific communication channel independently of a media type of and vendor-dependent communication protocol for the communication channel, as recited more fully in the amended independent claim 2. Furthermore, Applicants also fail to find any teachings, suggestion, hint, or discussion in Dilip regarding <u>a web browser-based media-independent user interface</u> displaying a single, web-browser based <u>toolbar providing a visual depiction of all options available to a user</u> (e.g., a customer service agent) to participate in customer support-related outgoing or incoming communications, as recited in the amended independent claim 2.

Applicants disagree with Office Action's assertion that the user interface in Dilip is web-browser based. Applicants fail to find any discussion or figure(s) in Dilip related to such web-browser based implementation of its user interface, and respectfully invite the Examiner to point out where in Dilip such discussion is provided.

The sections of Dilip cited by the Office Action as purportedly providing disclosure of the claimed web browser-based media-independent user interface failed to provide any such disclosure. The first section cited by the Office Action is as follows:

> Thus, when an agent is available to receive a transaction, the highest priority transaction, of any type, is provided to the agent.

Dilip 2:29-31 (cited at Office Action, p.5). Applicants respectfully submit that this section of Dilip provides no disclosure of a web browser at all and no provision for a user interface of any type, let alone a user interface that is media-independent, as claimed. Finally, this section of Dilip provides no disclosure of the claimed "notification of the event received from the communication channel." Instead, this section only provides that "the highest priority transaction, of any type, is provided to the agent." There is no implication in this statement of notification of an event, as that term is defined and claimed in the current Application.

The Office Action further cites to the following section as purported disclosure of the claimed web browser-based media-independent user interface:

> Alternatively, some or all of the agents 20 may be coupled directly to transaction processing system 10, rather than coupled through LAN 16. Although agents 20 are represented in Fig. 1 by a computer, a particular agent 20 may utilize any type of device or system that allows interaction between the agent and an initiator of the transaction (e.g., a customer). For example, an agent handling only telephone call transactions may only use a telephone system, without requiring a computer. Similarly, an agent handling only e-mail messages may require a computer system, but not a telephone. In a particular embodiment of the invention, each agent has a computer system and a telephone (which may be integrated into the computer system), such that the agent is capable of handling and responding to multiple types of transactions (e.g., telephone calls, e-mail, voice mail, and facsimiles).

Dilip 5:6-21. Applicants respectfully submit that once again in the cited section there is no disclosure of the claimed "web browser-based media-independent user interface" or of any user interface configured to receive event notifications. Instead, the cited section provides that an agent can either be coupled directly to the transaction processing system or through a LAN and that an agent may have a computer, a telephone, or both. And in fact, since the disclosure relates to specifically a telephone or a computer, there is no disclosure of the claimed media independence. Finally, the cited section provides no disclosure of a user interface object that is configured to provide notification of events. Again, Dilip only provides for providing an agent

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"the highest priority transaction" and does not provide for extending a notification to an agent to address an incoming event, as claimed. *See, e.g.,* Dilip 14:15-18, 14:29-46.

The Office Action asserts that a user interface object configured to provide a notification of the event received from the communication channel is "inherent in order to notify the agent of an incoming transaction." Office Action, p.5. Applicants respectfully submit that the Office Action fails to provide the necessary evidence of inherency, as required by MPEP 2112. "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *Id.* (citing *In re Robertson,* 169 F.3d 743, 745 (Fed. Cir. 1999). The Office Action fails to provide any evidence at all of the suggested inherency.

For at least these reasons, Applicants respectfully submit that the cited sections of Dilip fail to provide disclosure of the claimed "web browser-based media-independent user interface comprising a first user interface object configured to provide a notification of the event received from the communication channel" as provided in independent Claims 2, 15, 21, 34 and 49.

Applicants observe that Dilip primarily relates to automating the prioritization and transaction assignment aspects in a customer service environment. (*See,* for example, the discussion at col. 2, lines 18-21, and col. 3, lines 25-47 in Dilip.) The cited sections of Dilip fail to provide any discussion related to vendor product integration. Nor does Dilip disclose any desirability or necessity of providing a common communication API to facilitate communication in a vendor-independent manner, regardless of the media-specific nature of a vendor-supplied communication channel, as recited more fully in the amended independent claim 2 and discussed

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in more detail on, for example, page 8 of the instant specification. Failing to find any actual disclosure of the common communication API, the Office Action again falls back on an inherency argument by suggesting that "[t]he use of a common application program interface is also inherently used since the transaction controller must relay data between multiple media types and the transaction processing system." *See* Office Action, p.4. And again, the Office Action fails to provide any *evidence* that satisfies the requirements for a finding of inherency per MPEP 2112.

Applicants further disagree with the Examiner's assertion that a common communication API-based channel driver configuration or a first user interface object configured to provide a notification of an event are "obvious." Failing to provide a legally sound argument for inherency, the Office Action provides only conclusory statements asserting "obviousness" of various features in the claims. Such conclusory statements are classic examples of hindsight bias that the MPEP and case law caution to guard against. Using Applicants' own disclosure as a blueprint for providing the motivation to combine prior art references in an obviousness determination is impermissible. *See W.L. Gore & Assoc. v. Garlock*, 721 F.2d 1540, 1552-53 (Fed. Cir. 1983) ("To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher."). Applicants respectfully request the Examiner to provide some additional evidence in support of the assertions provided in the Office Action.

For at least these reasons, Applicants assert that the cited sections of Dilip fail to teach all of the recited claim limitations of independent claim 2, as amended. Applicants therefore assert that Dilip fails to anticipate or render obvious the amended independent claim 2 as well as its
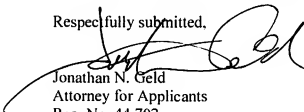
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pending dependent claims 5-9, 11, 13-14, and 54-56. Other pending independent claims 15, 21, 34, and 49 include limitations substantially similar to those discussed above with reference to amended independent claim 2. Hence, at least for the reasons given above, the amended independent claims 15, 21, 34, and 49, and their corresponding dependent claims 16, 18-19, and 57 (dependent on claim 15); 24-28, 30, 32-33, and 58 (dependent on claim 21); 37-43, 45-47, and 59 (dependent on claim 34); and 50, 52-53, and 60 (dependent on claim 49) are also not anticipated by or rendered obvious in view of Dilip. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections to claims 2, 5-9, 11, 13-16, 18-19, 21, 24-28, 30, 32-34, 37-43, 45-47, 49-50, and 52-60 and an indication of the allowability of same.

CONCLUSION

In view of the remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5090.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,

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